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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON TRADESWOMEN, INC., et al., Case No.: 3:21-cv-89-YY

Plaintiffs

Defendants'
UNOPPOSED MOTION FOR STAY

v.

U.S. DEPARTMENT OF LABOR, et al.,

Defendants

Defendants U.S. Department of Labor; Office of Federal Contract Compliance Programs; Al Stewart, Acting Secretary of Labor; and Jenny Yang, Director, Office of Federal Contract Compliance Programs, request that the Court stay this action for 90 days (until May 11, 2021), because the Department of Labor intends to propose rescission of the rule at issue in this case.

The defendants have discussed this request with the plaintiffs, who indicated they do not oppose the motion subject to certain conditions discussed below.

The plaintiff organizations challenge a rule issued by the Department of Labor in December 2020, Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption, 85 Fed. Reg. 79,324 (Dec. 9, 2020), asserting claims under the Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706. *See* First Am. Compl. for Declaratory and Injunctive Relief, ECF No. 13. The defendants' response to the complaint is due March 26, 2021.

The Department of Labor intends to propose rescission of the December 2020 rule through notice-and-comment rulemaking, a process that is expected to take several months. In light of the agency's intentions, the defendants request that the Court stay this action for 90 days from the date of this motion (until May 11, 2021) based on its inherent powers. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (noting that a court's inherent powers include authority to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”). The defendants will file a status report 45 days from the date of this motion (by March 29, 2021). At the end of the 90-day period (by May 11, 2021), the defendants will file a further status report and any request to extend the stay, if appropriate.

The defendants discussed this request with the plaintiffs, and the plaintiffs indicated that they do not oppose the request if it entails the 90-day expiration and status reports proposed above.

Accordingly, the defendants request that the Court stay this action for 90 days (until May 11, 2021).

Date: February 10, 2021

Respectfully submitted,

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